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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/757,890	01/15/2004	Davide Parachini	IT20020058	4776

173 7590 06/15/2006

WHIRLPOOL PATENTS COMPANY - MD 0750
500 RENAISSANCE DRIVE - SUITE 102
ST. JOSEPH, MI 49085

EXAMINER

TANNER, HARRY B

ART UNIT	PAPER NUMBER
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3744

DATE MAILED: 06/15/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/757,890	Applicant(s) PARACHINI ET AL.	
	Examiner Harry B. Tanner	Art Unit 3744	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 March 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 2-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2-3 and 10-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over admitted prior art in view of Griffin et al. The admitted prior art at paragraphs 2 and 3 of the specification describes the invention substantially as claimed. Admitted prior art uses a movable shelf provided with an electronic control circuit for setting the temperature above the shelf and inductors used as antennas placed on the shelf and multiple inductors used as antennas fixed in the wall of the refrigerator for providing the electronics of the shelf with power and communicating the control signals from the shelf to the refrigerator. The admitted prior art does not mention placing the inductors fixed in the wall of the refrigerator in a removable package. Griffin teaches the use of a movably mounted pre-assembled package (see Figure 5) that is installed in the rear of a refrigerator in order to facilitate the assembly of the refrigerator. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the admitted prior art system such that it included the use of a movably mounted package including the inductors and their corresponding electronic components in order to facilitate the assembly of the refrigerator view of the teachings of Griffin. The use of a plurality of removable food support elements as recited in claim 14 is considered to have been an obvious matter of refrigerator design based upon the number of separate areas the refrigerator is to be divided into since the operation of the

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system will not be altered substantially by the number of removable food support elements.

Claims 4 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over admitted prior art in view of Griffin et al as applied to claim 10 above, and further in view of Tatter. Tatter teaches the use of setting means that allows the input of temperature and humidity control setpoints and the display of temperature and humidity conditions in a refrigerator (see col. 5, lines 48-62). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the admitted prior art system such that the setting means on the shelf allowed the input of temperature and humidity control setpoints and the display of temperature and humidity conditions in a refrigerator in view of the teachings of Tatter.

Claims 5 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over admitted prior art in view of Griffin et al as applied to claim 10 above, and further in view of Yoshikawa et al. Yoshikawa teaches providing a temperature sensor 24 on a shelf 13 in order to directly detect the temperature of food placed in a refrigerator. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the admitted prior art system such that it included the use of a temperature sensor on a shelf in order to directly detect the temperature of food placed in a refrigerator in view of the teachings of Yoshikawa.

Claims 8 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over admitted prior art in view of Griffin et al as applied to claim 10 above, and further in view of Negishi. Negishi teaches locating the evaporator at the rear wall of the refrigerator

and providing a plurality of apertures in the rear wall for allowing airflow to the evaporator (see Figure 1). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the admitted prior art system such that it included locating the evaporator at the rear wall of the refrigerator and providing a plurality of apertures in the rear wall for allowing airflow to the evaporator in view of the teachings of Negishi.

Applicant's arguments filed on March 23, 2006 have been fully considered but they are not persuasive. For example, with respect to applicant's contention there is no motivation or suggestion of the desirability of modifying the admitted prior art with modular refrigeration unit taught by Griffin et al, it is noted to Griffin is concerned with providing a convenient and quick way of assembling a refrigerator using modular components. The applicant's innovation over the admitted prior art is the use of modular components for convenient and easy of assembly. It is the examiner's position that the teachings of Griffin would suggest to one of ordinary skill in the art the use of modular units to provide convenient and quick way of assembling a refrigerator regardless of what units are being assembled.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the


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shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Harry B. Tanner whose telephone number is (571) 272-4813. The examiner can normally be reached 8:30 am to 5:00 pm Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Cheryl Tyler, can be reached on (571) 272-4834. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://portal.uspto.gov/external/portal/pair>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read "Harry B. Tanner", with a stylized, cursive script.

Harry B. Tanner
Primary Examiner
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